

## DRAFT RULE for

### **011.PRIVATE MEMBERSHIP, CLUBS, OUTFITTING ON PRIVATE LAND, AND OUTFITTED TURKEY AND WATERFOWL HUNTING.**

~~An outfitter license shall not be issued to any individual, group, corporation, or club which limits its services to a membership or does not offer services to the general public. A group, corporation, or club formed in a manner so as to solicit participation from the general public and to provide services on a guided and/or paid basis beyond a sharing of expenses shall be required to comply with the provisions of the Outfitters and Guides Act (Title 36, Chapter 21, Idaho Code). (3-1-86)~~

#### **01. Private Membership Groups, Organizations, Clubs**

a. A group, corporation, or club formed in a manner so as to solicit participation from the general public, and to provide services on a guided and/or paid basis beyond a sharing of expenses shall be required to comply with the provisions of the Outfitters and Guides Act (Title 36, Chapter 21, Idaho Code).

b. An outfitter license shall not be issued to any individual, group, corporation, or club who limits its services to a membership or does not offer services to the general public.

#### **02. Outfitting on Private Land**

a. Private landowners, who only charge fees for access to their land or waters, shall not be required to be licensed as an outfitter.

b. Private landowners ("Landowner") who advertise outfitted or guided services or solicit participation from the general public for such services, or who provide outfitted facilities or services for compensation shall be required to comply with the provisions of the Outfitters and Guides Act (Title 36, Chapter 21, Idaho Code).

i. Private landowners may be licensed for outfitting on their own land or waters.

ii. Private landowners licensed as outfitters may designate agents (including existing outfitters) who shall be employees to provide facilities and services.

iii. Private landowners may lease lands or waters they own to an outfitter for outfitting purposes.

iv. Licensed outfitters must maintain on file with the Board, a copy of each landowner lease prior to use of the leased area and during the time the leased area is licensed to them as an operating area

v. Outfitters licensed for the use of private land or water must notify the Board in writing immediately upon the termination of a lease or changes to the terms of use of any leased private land licensed as an operating area. Changes must be made through the amendment process.

#### **03. Outfitted Turkey and Waterfowl Hunting.**

a. **Non Outfitted Areas (Waterfowl)** - The following list of areas have been identified by the Board where outfitted/guided Waterfowl Hunting would not be provided based upon documented biological, or sociological based resource management issues as set forth in the rules:

i. Certain sections of the Snake River including the Henry's Fork and South Fork of the Snake River and associated reservoirs (recognizing current licenses exist),

ii. The Teton River upstream from Highway 33,

iii. Bear Lake,

iv. The Boise River downstream of Garden City,

v. The Payette River downstream from Black Canyon Dam,

vi. The Weiser River downstream from the confluence with Mann Creek,

vii. Cascade Reservoir,

viii. The Kootenai River,

ix. The Coeur d'Alene River downstream from Cataldo,

x. The St. Joe River downstream from St. Maries,

xi. The Pend Oreille River,



- xii. The Clark Fork River,
- xiii. Lake Pend Oreille,
- xiv. Lake Coeur d'Alene.
- xv. The Clearwater River downstream from the Highway 12 bridge near Kendrick.
- xvi. Other areas as determined by the Board

**b. Non Outfitted Areas (Turkey)**

- i. ?
- ii. Other areas as determined by the Board

**c. Limited Outfitted Areas (Waterfowl)**

- i. ?
- ii. Other areas as determined by the Board

**d. Limited Outfitted Areas (Turkey)**

- i. ?
- ii. Other areas as determined by the Board

*The Board solicits input from the Idaho Department of Fish and Game (IDFG) and the public on the areas to be identified in sections 03. a. b. c. & d. that they believe should be non-outfitted or limited outfitted. The rivers and reservoirs listed in 03. a. which were identified in earlier processes have been included as examples. Decisions of the Board for inclusion on these initial lists will be based upon documented biological, or sociological based resource management issues that the Board has been provided by the IDFG or the public as set forth in the rules.*

**04. Specific Conditions to Non Outfitted and Limited Outfitted Areas for Outfitted Turkey and Waterfowl Hunting.**

**a.** Non Outfitted and Limited Outfitted areas shall be identified by a clear area description, and shall be determined and maintained by the Board with input from the Idaho Department of Fish and Game. A list of these areas shall be maintained by the Board and must be publically available.

**b.** Factors in the determination of these areas shall include biological factors such as the location of wildlife or their proximity to riparian areas and resource management concerns such as hunting pressure or changes in public access or the impact of shooting over public waterways.

**c.** In Limited Outfitted Areas as identified outfitted client days of each licensed outfitter shall be limited to three percent (3% of the five year moving average of the estimated number of hunters days provided to the Board by the Idaho Department of Fish and Game.

**i.** The total number of outfitters in a Limited Outfitted Area shall be limited by the Board with input from the Idaho Department of Fish and Game.

**ii.** In Limited Outfitted Areas, guiding will be limited to escorting clients to and from the field prior to or following a hunt, providing or setting up blinds prior to a hunt or taking them down afterward, cleaning or processing game, providing meals or lodging or handling client emergencies but shall not include assisting clients in the field during the hunt such as by calling, and setting decoys or handling dogs.

**iii.** Exceptions in a Limited Outfitted Area shall be made on a case by case basis by the Board for guided hunts provided to youth, the disabled, and for the elderly. These categories and specific exceptions will be determined and maintained by the Board with input from the Idaho Department of Fish and Game. Exceptions must be requested at the time of application or by submitting an amendment application once licensed.

**iv.** In Limited Outfitted Area, any individual who has an arrangement to access and hunt on private land may access public lands or waters to hunt where public hunting is legal. They must do so without assistance from or services provided by the outfitter, or their employees such as guides.

**d.** The Non Outfitted and Limited Outfitted Areas will be reviewed every five years as needed by the Board cooperatively with input from the Idaho Department of Fish and Game. Existing licensed outfitters affected by possible changes shall be subject to an operational adjustment hearing as set forth in the rules.

e. Outfitters licensed to hunt waterfowl or turkey in the Non Outfitted or Limited Outfitted Areas identified prior to the effective date of these rules will be grandfathered. Should an existing outfitter business be sold or ownership transferred, the succeeding outfitter will be subject to the term of the rules.

#### **05. Other Outfitted Areas for Outfitted Turkey and Waterfowl Hunting**

i. Applications received for outfitted turkey and waterfowl hunting outside a Non Outfitted or Limited Outfitted area and where the Board determines licensure is appropriate may not experience the same limitations as those set forth in these rules, but would follow other general conditions and requirements of these rules.

**06. General Conditions for all Limited and Outfitted Areas for Outfitted Turkey and Waterfowl Hunting** - The following pertains to all outfitter licenses issued for outfitted Turkey and Waterfowl Hunting:

- i. A minimum of one hundred sixty (160) acres of contiguous land is required to license outfitters to hunt turkey.
- ii. A minimum of one hundred (100) acres of contiguous land is required to license outfitters to hunt waterfowl.
- iii. Appropriate buffer distances shall be established between outfitters by the Board with input from the Idaho Department of Fish and Game.
- iv. Appropriate shooting/buffer distances shall be established for outfitters licensed on or near public waterways or other public resources by the Board with input from the Idaho Department of Fish and Game.
- v. Use shall be measured annually by the Board by individual client serviced and the accumulative total client days provided and by client harvest.
- vi. On a case by case basis, the Board may set other limits or restrictions, provided a factual basis is established based upon documented biological, or sociological based resource management issues that can be substantiated in the Board's decision.

**07. Public Lands and Waters for Outfitted Turkey and Waterfowl Hunting** - Outfitting turkeys or waterfowl hunting on "public" lands or waters will not be initiated by the Board.

a. IC – 36-2107 requires the Board to cooperate with state and federal agencies, and the Board has an Memorandum of Understanding (MOU) in place with Bureau of Land Management and the United States Forest Service that provides for cooperation in all matters related to state outfitter licensing and federal outfitter permitting processes. Therefore, the Board will only consider licensing outfitters on federally managed lands or waters once the appropriate federal agency, using standard processes required of them and as defined in the (MOU) maintained with the Board, determines that outfitted turkey and waterfowl hunting is appropriate and acceptable use within that agency's jurisdiction. Additionally, the Board will only consider licensing outfitters on state managed lands once the appropriate state agency make similar determinations.